

### **REMARKS**

In the December 17, 2004 Office Action, claims 1-4, 6, 7 and 18 stand rejected in view of prior art, while claims 5 and 8-17 were indicated as containing allowable subject matter. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the December 17, 2004 Office Action, Applicants have amended independent claims 1 and 18 as indicated above. Applicants have also added new independent claim 19. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-19 are pending, with claims 1, 18 and 19 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Interview Summary***

On February 22, 2005, the undersigned conducted a personal interview with Examiner Patricia Engle, who is in charge of the above-identified patent application. Applicants wish to thank Examiner Engle for the opportunity to discuss the above-identified patent application during the Interview of February 22, 2005.

During the interview, the above amendments were presented. The undersigned asserted that the prior art of record fails to disclose curved or collapsing parts having a load transmitting surface formed along a corresponding one of the wedge-shaped open spaces, in which the load transmitting surfaces are configured and arranged to collapse sequentially against the widthwise frame member during a frontal collision. Examiner Engle indicated that these amendments to independent claims 1 and 18 appears to overcome the prior art

rejections. However, Examiner Engle indicated that an updated search may need to be conducted. Thus, the allowability of the claims will be determined after an updated search.

### ***Specification***

In numbered paragraph 2 of the Office Action, it was indicated that the specification had not checked for typographical errors. Applicants will amend the specification to correct any typographical errors that Applicants become aware of in the specification.

### ***Rejections - 35 U.S.C. § 102***

In numbered paragraphs 3-5 of the Office Action, claims 1, 2, 4, 6 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,171,669 (the Barenyi patent), and claims 1, 3 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,638,748 (the Tixier patent). In response, Applicants have amended independent claims 1 and 18 to clearly define the present invention over the prior art of record.

In particular, independent claims 1 and 18 now recite that the curved parts have load transmitting surfaces that collapse sequentially against the widthwise frame member during a frontal collision. Clearly, this structure is ***not*** disclosed or suggested by the Barenyi patent or the Tixier patent, or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claims 1 and 18, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2-4, 6 and 7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-4, 6 and 7

are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of these rejections.

***Rejections - 35 U.S.C. § 103***

In numbered paragraphs 6-8 of the Office Action, claims 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,638,748 (the Tixier patent). In response, Applicants have amended independent claim 1 as mentioned above. Thus, this rejection is now moot for the reasons set forth above with respect to independent claim 1.

In other words, this ***claimed*** arrangement is ***not*** disclosed or suggested by the Tixier patent or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does ***not*** make the modification obvious, unless the prior art ***suggests*** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement.

More specifically, if the structure of the Tixier patent were some how modified to meet the claims of the present invention, it would require a complete reconstruction of the structure of the Tixier patent, which would destroy the teaching of the Tixier patent.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

***Allowable Subject Matter***

In numbered paragraph 9 of the Office Action, claims 5 and 8-17 were indicated as containing allowable subject matter. Applicants wish to thank Examiner Engle for this indication of allowable subject matter and the thorough examination of this application. In

Appl. No. 10/766,025  
Amendment dated March 1, 2005  
Reply to Office Action of December 17, 2004

response, Applicants have amended claims 5, 8 and 13 to place them in independent form.  
Thus, claims 5 and 8-17 are believed to be allowable.

***New Claim 19***

New independent claim 19 is broader than independent claim 1 in that the term "curved parts" has been changed to "collapsing parts". However, independent claim 19, similar to independent claim 1, recites load transmitting surfaces that collapse sequentially against the widthwise frame member during a frontal collision. Thus, independent claim 19 is believed to be allowable.

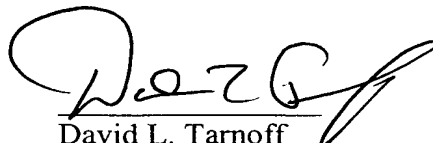
***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-19 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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Dated: 3-1-05

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